

HADLEY & FRAULOB
A Professional Law Corporation
230 Fifth Street
Marysville, CA 95901
(916) 743-4458
FAX (530) 743-5008

JOSEPH C. FRAULOB – CA State Bar #194355
Attorney For Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEAN MICHAEL COX,
Plaintiff,

CIV. NO. 2:20-CV-00378-DMC

vs.

**STIPULATION AND ORDER FOR
AWARD OF EAJA FEES**

ANDREW M. SAUL
COMMISSIONER OF SOCIAL SECURITY,
Defendant

IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys, and with the approval of the Court as provided below, that Plaintiff be awarded attorney fees under the Equal Access To Justice Act (EAJA) 28 U.S.C. 2412(d), in the amount of Four Thousand, Three Hundred Dollars and Eighty-Two cents (\$4,300.82). This amount represents compensation for all legal services rendered on behalf of Plaintiff by his counsel in connection with this civil action, in accordance with 28 U.S.C. 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order to EAJA fees is entered, the government will determine if it is subject to any offset.

1 Fees and costs shall be made payable to Plaintiff, but if the Department of the Treasury
2 determines that Plaintiff does not owe a federal debt, then the government shall cause the
3 payment of fees and costs to be made directly to Plaintiff's counsel Joseph C. Fraulob, pursuant
4 to the written assignment executed by Plaintiff. Any payments shall be delivered to Plaintiff's
5 counsel Joseph C. Fraulob.

6 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
7 attorney fees and does not constitute an admission of liability on the part of Defendant under the
8 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any
9 and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees in
10 connection with this action.

11 DATE: January 11, 2021

12 By /s/ Joseph Clayton Fraulob
13 JOSEPH CLAYTON FRAULOB
Attorney for plaintiff

14 DATE: January 11, 2021

15 MCGREGOR W. SCOTT
United States Attorney

16 DEBORAH LEE STACHEL
17 Regional Chief Counsel, Region IX
18 Social Security Administration

19 By /s/ Oscar Gonzalez
20 (*authorized via e-mail on January 11, 2021)
21 OSCAR GONZALEZ
Special Assistant U.S. Attorney

22 Attorneys for Defendant

23 ORDER

24 APPROVED AND SO ORDERED

25
26 **Dated: January 26, 2021**

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28 DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE